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In re Application of	:	
CAMPBELL et al.	:	DECISION ON
Application No.: 10/530,209	:	
PCT No.: PCT/NZ03/00222	:	PAPERS
Int. Filing Date: 03 October 2003	:	
Priority Date: 04 October 2002	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 4501-1016	:	
For: THERAPEUTIC USES OF B-CASEIN A2 AND	:	
DIETARY SUPPLEMENT CONTAINING B-CASEIN A2:	:	

This is a decision on the "RENEWED SUBMISSION UNDER 37 C.F.R. §1.42" filed by applicants on 20 April 2006, which was accompanied by a declaration of the inventors.

#### **BACKGROUND**

On 03 October 2003, applicants filed international application PCT/NZ03/00222 which claimed a priority date of 04 October 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 April 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 April 2005.

On 04 April 2005, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date and an assertion of small entity status.

On 02 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 November 2005, applicants filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in this declaration that inventor Corran Norman Stuart McLACHLAN is deceased was treated as a request for status under 37 CFR 1.42.

On 21 February 2006, a decision was mailed refusing applicants' request for status under 37 CFR 1.42.

On 20 April 2006, applicants filed the instant "RENEWED SUBMISSION UNDER 37 C.F.R. §1.42", which was accompanied by a declaration of the inventors.

**DISCUSSION**

The submission filed 20 April 2006 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 20 April 2006 is in compliance with 37 CFR 1.497(a)-(b).

**CONCLUSION**

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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